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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,688	12/14/2005	Pietro Bigoni	377/9-2178	1944
28147 7590 01/15/2008 WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 01/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,688

Applicant(s)

BIGONI, PIETRO

Examiner

Thanh K. Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on November 6, 2007.
2. Applicant's cancellation of claims 1-13 is acknowledged.
3. Claims 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on April 16, 2007.
4. **Examiner's note:** Group II, claims 14-17, of the present invention had been restricted not based on the different species, therefore the withdrawn claims will not be rejoined in a later date.
5. In response to the Applicant's argument that:

*"The Examiner is advised that rejoinder may be considered in situations other than in species restrictions. MPEP 821.04(b) describes the rejoinder of process claims when **product claims** are found allowable, provided the withdrawn process claims either depend from or are amended to otherwise contain the limitations of an allowable product claim. That situation may arise in this application."* (emphasis added),

it is important to point out that claims 18-28 (new claims, the equivalents of the cancelled claims 1-13) are not **product claims**. Claims 18-28 are apparatus claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monti (6,675,555) in view of Young (5,912,184).

Monti discloses an pharmaceutical packaging machine (automatic blistering machine) comprising:

at least two work areas arranged along a packaging line, the machine structure comprising:

enclosing panels assembled together to form enclosing chambers.

Monti discloses the claimed invention, but it does not disclose that the chambers are pressurized.

Young discloses an apparatus comprising: an environmentally enhanced enclosure that is pressurized to minimize contamination in the chamber.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modified Monti apparatus by incorporating the environmentally enhanced enclosure as taught by Young to provide a clean room environment and minimized the contamination in the enclosing chamber.

Monti modified by Young further discloses:

a first enclosing chamber enclosing an environment at a pressure higher than an outside pressure (column 3, lines 17-21), and a second enclosing chamber enclosing an environment with a pressure equal to the outside pressure (column 3, lines 48-49 – it is construed that as the access windows are opened in the process area, the pressure inside of the room is equal to the outside pressure).

means for generating at least one flow of air into the chamber (Young - column 5, lines 21-22), suction means (18) to take the air out of the chambers to maintain substantially constant pressure inside the chamber (column 3, lines 19-26), and depuration means (16).

wherein the chambers communicate with each other via passages (not number) through which the air also passes between chambers (Monti – figure 1).

wherein the packaging machine (1) is automatic packaging pharmaceutical products in containers, band material (2) at least one feeding station (5), at least one station (4) for producing containers (Monti – figure 1).

at least one station (6) for closing containers (Monti – figure 1).

pressurized environment includes at least one mouth allowing band material along packaging line, the mouth having fluid barrier means for removing possible contaminating particles (13 – Young column 6, lines 34-40).

a plurality of panels (not number) formed the chambers and open spaces (not number) situated in the connection area allowing the air to go outside the chambers (Monti – figure 1).

means for generating flow of air into the chamber include at least one pump (a blower – Young, column 5, lines 21-22), depuration means (16) include filter (ULPA filters – figure 2B), sensor means (60, 61, 62) are connected to the filter means for detecting volume variation of the flow of air via control unit (36).

a main filter (16) situated in the introduction duct downstream of the pump (not number) and having connected thereto relative sensor (60, 61, 62).

Regarding claims 25, 26 and 28 (or cancelled claims 10, 11 and 13), since the Applicant did not traverse the Official Notice taken by the examiner in the previous office action (July 14, 2005), the well known in the art statement in the office action of May 31, 2007 (regarding claims 10, 11 and 13) is taken to be admitted prior art.

(Regarding the common knowledge modification previously taken (Official Notice), in order to adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See MPEP 2144.03(c) and also Chevenard, 139 F.2d at 713, 60 USPQ at 241.)

It is old and well known (the admitted prior art mentioned above) in the art to employ a particular sensor (manostat sensor) to read the different pressure between the filters of the up stream and down stream of the air flow. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the teaching from Monti and Young to device the apparatus as recited in claims 25, 26 and 28 to provide a more efficient packaging machine.

Response to Arguments

8. Applicant's arguments filed November 6, 2007 have been fully considered but they are not persuasive.

9. In response to the Applicant's argument that:

"There is no teaching, suggestion or inference for the particular arrangement of elements, as are found in applicants' claim 18, and claim 18 and the claims depending therefrom are not believed to be obvious over the proposed combination."

this is not found persuasive for the following reason:

Under KSR rationale – combining prior art elements according to known methods to yield predictable results:

To provide the device of Monti (6,675,555) with the environmentally enhanced enclosure that is pressurized to minimize contamination in the chamber as taught by Young (5,912,184) would have been obvious to one of ordinary skill in the art, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known apparatus and practice (pharmaceutical packaging machine and environmentally enhanced enclosure chambers with various pressurized condition) with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, i.e., one skilled in the art would have recognized that the environmentally enhanced enclosure as taught by Young inevitably would have improved the environmental quality of the production of Monti, and thus improve the quality of the product.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

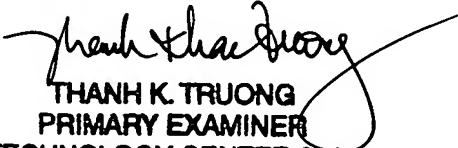
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Fri 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 11, 2008.


THANH K. TRUONG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700